IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 1865 of 1998

Between:

The Executive Engineer, SRSP, Division No.2,

Pochampad.

..... Petitioner

And

1. T.Tirupathi S/o Bhomaiah, Age: 26 years, C/o 2-2-1137/B/1,

New Nallakunta, Hyderabad – 44.

2. Presiding Officer, Labour Court, Hyderabad.

.....Respondents

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of certiorari calling for the records pertaining to I.D.No.807/92 dt.4-9-96 on the file of the 2nd respondent, and quash the same as illegal and opposed to Industrial Disputes Act.

For the Petitioner : The Govt. Pleader FOR IRRIGATION & COMM. AREA DEV.

For the Respondent No.1 : Mr.B.G.Ravindra Reddy, Advocate.

For the Respondent No.2 : The Govt. Pleader FOR LABOUR

The Court Made the Following :

:: **O R D E R** ::

The petitioner, Executive Engineer, Sub Division No.3, Division No.2, Sri Ram Sagar Project, Niamabad District has filed the present Writ Petition questioning the award passed in I.D.No.807/1992, dated 4.09.1996 by the Presiding Officer, Labour Court at Hyderabad.

The case of the 1st respondent is that initially he was appointed on 20.5.1981 as a man majdoor, and he along with others filed W.P.No.5197/87 seeking regularization of their services. However, as there were no interim orders, the first respondent herein was removed from out of service by the petitioner herein, by his order dated 31.10.1987. Subsequently, the writ petition was disposed of without any positive directions in favour of the first respondent.

The first respondent raised a dispute before the second respondent-Presiding Officer, Labour Court, and the same was numbered as I.D.No.807/92, and on a consideration of entire material on record, the second respondent by his award dated 4.9.1996, set aside the impugned order of termination, and further directed the petitioner herein to reinstate the first respondent into service with all benefits like continuity of service with 50% of back wages from the date of the said petition.

Questioning the said award, the present writ petition has been filed.

Heard both the counsel. From a perusal of the award, and also the submissions made by both the counsel, this Court is also of the view that the termination of the petitioner is contrary to Section 25-F of the Industrial Disputes Act, and as such, the Tribunal below is perfectly justified in ordering first respondent's reinstatement. In fact, the Tribunal below also did not award entire back wages, and it restricted the award to 50% of the total back wages.

Hence, I see no reason to interfere with the award passed by the second respondent-Labour Court, Hyderabad.

Accordingly, the writ petition is dismissed.

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29.06.2004

To

1. The Presiding Officer, Labour Court, Hyderabad.

2. 2CCs to G.P.for Irrigation & Command Area Development, High Court of A.P., Hyderabad (OUT)

3. 2 CCs to G.P for Labour, High Court of A.P., Hyderabad(OUT)

4. 2CD copies

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